



1a

**Request for City Council Committee Action
From the City Attorney's Office**

Date: July 22, 2003
To: Ways & Means/Budget Committee
Referral to:

Subject: Kimberly Johnson v. City of Minneapolis,
Hennepin County District Court File No.: PI 02-17253

Recommendation: That the City Council approve settlement of this case by payment of \$5,000.00 to Plaintiff Kimberly Susan Johnson and her attorney Laurie Sieff, Schwebel, Goetz & Sieben, from Fund/Org 690 150 1500 6800.

Previous Directives:

Prepared by: Edward Backstrom

Phone: 673-2072

Approved by: Jay M. Heffern
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Fund/Org 690 150 1500 6800
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Background/Supporting Information

This is a personal injury lawsuit arising from injuries sustained by plaintiff, Kimberly Susan Johnson, on September 8, 1999, at approximately 8:26 a.m. when she was operating her bicycle riding westbound over the 10th Avenue Bridge. A City truck was parked at approximately the midpoint of the bridge, in the right traffic lane. There was also a bike lane located to the right of the truck. Rather than go around the truck on the left, the plaintiff decided to pass the truck on the right passing between the truck and the side of the bridge. As she arrived at the truck, the passenger side door opened, striking her in the head and knocking

her off her bike. The City workers claim, and plaintiff denies, that they had put out a sign behind the truck closing the lane. The worker who opened the door claims he looked in his mirror before he opened the door and didn't see plaintiff. There is no dispute that opening the door did cause the door to strike the plaintiff and injure her.

Plaintiff's bicycle was damaged as a result and she sustained a large laceration across her left ear, which she claims has resulted in permanent scarring. She also claims she was in shock for several hours after the accident because she was pregnant and unsure of the condition of her baby. She received treatment at Boynton Health Services and Fairview University Medical Center which cost \$725.40. Plaintiff has produced a letter from a plastic surgeon, Sam Ecnomou, stating that corrective surgery would cost \$1,445.00, and that she would be unable to work for a few days after the surgery. However, pictures of the scar provided by plaintiff are not very compelling.

Plaintiff's attorney had initially stated that she wanted \$30,000.00 to settle the case. However, the City has offered, and the plaintiff has agreed to accept \$5,000.00 to settle the matter in full. Settlement in this amount was recommended by the City Attorney's Office Litigation Committee.